IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 3368 OF 2004

Bharat Najabhai Thadeshwar .. Petitioner

V/s

IndusInd Bank Limited & Ors. .. Respondents

Mr. Rajiv Narula i/b Jhangiani Narula & Associates for the Petitioner.

CORAM : H.L. GOKHALE &
S.C. DHARMADHIKARI, JJ.

DATE : 24TH JANUARY 2005

P.C. :

1. Heard Mr. Narula for the Petitioner.

2. The orders challenged are interlocutory orders. That apart, the Appellate Tribunal has in terms observed in the impugned order dated 19th August 2004 that the burden of proving the claim is on the Respondent Bank. It is only when the bank makes out any case that the occasion for the Petitioner to dislodge the claim will arise. As of now, there is no need to insist for any evidence of expert. Petition is rejected.

(H.L. GOKHALE, J.)

(S.C. DHARMADHIKARI, J.)